

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CLARK LANDIS, ROBERT BARKER,
GRADY THOMPSON, and KAYLA BROWN,

Plaintiffs,

v.

WASHINGTON STATE MAJOR LEAGUE
BASEBALL STADIUM PUBLIC
FACILITIES DISTRICT, BASEBALL OF
SEATTLE, INC., a Washington corporation,
MARINERS BASEBALL, LLC, a Washington
limited liability company, and THE
BASEBALL CLUB OF SEATTLE, LLLP, a
Washington limited liability limited
partnership,

Defendants.

NO. 2:18-cv-01512-BJR

**DECLARATION OF STEPHEN C.
WILLEY IN SUPPORT OF
DEFENDANTS' OMNIBUS MOTION
IN LIMINE (Nos. 1 – 6)**

NOTE ON MOTION CALENDAR:
SEPTEMBER 27, 2019

I, STEPHEN C. WILLEY, declare as follows:

1. I am a partner in the law firm Savitt Bruce & Willey LLP, counsel to Defendants in this matter. I am competent to testify and make this declaration based on personal knowledge.

2. On September 9, 2019, Plaintiffs' counsel, Stephen Connor, and I conferred by telephone conference in accordance with LCR 7(d)(4) in an effort to identify and resolve the matters that are really in dispute in Defendants' Omnibus Motion *in Limine*. Mr. Connor

DECLARATION OF STEPHEN C. WILLEY - 1
(No. 2:18-cv-01512-BJR)

SAVITT BRUCE & WILLEY LLP
1425 Fourth Avenue Suite 800
Seattle, Washington 98101-2272
(206) 749-0500

1 confirmed that Plaintiffs agree, in principle, that the named Plaintiffs should not be permitted to
2 testify about features of T-Mobile Park which are beyond their personal knowledge nor is
3 witness testimony about legal conclusions admissible.

4 3. Plaintiffs' expert James Terry (accompanied by Plaintiff's counsel Stephen
5 Connor) inspected T-Mobile Park on February 5, 2019. Defendants agreed to a full seven-
6 hour day for Mr. Terry's inspection. Mr. Terry and Mr. Connor determined that Mr. Terry had
7 completed his inspection before the expiration of the seven-hours. Following the inspection of
8 February 5, Plaintiffs did not request any further or additional inspection.

9 4. Plaintiffs served their draft Pretrial Statement on August 19, 2019. In it,
10 Plaintiffs proposed 202 exhibits for trial. Of the 202 exhibits, 72 were not produced until
11 August 19, 2019. Attached hereto as **Exhibit A** is a list of these exhibits.

12 5. On August 19, 2019, Plaintiffs also served a belated supplement to their Initial
13 Disclosures in which they identified "pictures taken at baseball games on 8/10/19, 6/19/19, and
14 5/13/19." Of the 72 exhibits that were not produced until August 19 (*see* Exhibit A), seven
15 have file names that are unrelated to the game dates disclosed by Plaintiffs in their 8/19/19
16 supplement to their Initial Disclosures. These seven exhibits are highlighted in yellow on
17 Exhibit A. Of the 72 exhibits that were not produced until August 19, six are videos with file
18 names that suggest they were taken at the 8/5/18 game identified in Plaintiffs' December 21,
19 2018 Initial Disclosures. However, these 8/5/18 videos were not provided until 8/19/19. These
20 files are highlighted in blue on Exhibit A.

21 6. Of the 202 exhibits proposed by Plaintiffs, Defendants are also unable to
22 determine whether an additional 59 were produced before the close of discovery. Attached
23 hereto as **Exhibit B** is a list of those 59 proposed exhibits.

24 7. Attached as **Exhibit C** is a true and correct copy of excerpts from Mr. Terry's
25 deposition in which he testifies that that he does not have any opinion regarding potential
26 remedies for the alleged ADA issues in this case.

8. Plaintiffs' draft Pretrial Statement states that they will "seek compensatory damages for Defendant [Washington State Major League Baseball Stadium Public Facilities District's] 'deliberate indifference' to the identified deficiencies pursuant to Title II of the ADA." When I spoke with Steve Connor on September 9, 2019, I told him that I was unaware of any evidence showing that the PFD had ever acted with "deliberate indifference"—and, as a result, I was not aware of any basis for a claim of compensatory damages. Mr. Connor confirmed that there was no such evidence, but he indicated that Plaintiffs would seek to show "deliberate indifference" by asserting that the Mariners' purported knowledge of alleged ADA violations should be imputed to the PFD, apparently under some sort of agency theory.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 10th day of September, 2019 at Seattle, Washington.

/s/ Stephen C. Willey
Stephen C. Willey

EXHIBIT A

Exhibit A

Filename	Exhibit No. & Description
22 5.13 Game 100 level WC.JPG	22. 5/13/19 Game View from 100 Level Accessible Seat
27 WC Seat Locations.PNG	27. Wheelchair Seat Locations Map
28 FullCombined Seating.PNG	28. Full Combined Seating Map
73 - 8.5.18 Video From Diamond Club.MOV	73. 8/5/18 Video from Diamond Club
74 - 8.5.18 Video From Seat G1 1.MOV	74. 8/5/18 Video From Seat G1
75 - 8.5.18 Video From Seat G1 2.MOV	75. 8/5/18 Video From Seat G2
76 - 8.5.18 Video From Seat G1 3.MOV	76. 8/5/18 Video From Seat G3
77 - 8.5.18 Video From Seat G1 4.MOV	77. 8/5/18 Video From Seat G4
78 - 8.5.18 Video From Section 124 & 125.MOV	78. 8/5/18 Video From Section 125 & 126
79 - 8.10 pic OF TV.jpg	79. 8/10/19 View of TV
80 - 8.10 pic 1B Scoreboard.jpg	80. 8/10/19 View of Scoreboard 1
81 - 8.10 pic OF Scoreboard.jpg	81. 8/10/19 View of Scoreboard 2
86 - Expansion Joint 119(2).jpg	86. 6/19/19 Sec 119 Expansion Joint
87 - Expansion Joint 119.jpg	87. 6/19/19 Sec 119 Expansion Joint 2
88 - Expansion Joint Kid Zone(2).jpg	88. 6/19/19 Kid Zone Expansion Joint 2
89 - Expansion Joint Kid Zone.jpg	89. 6/19/19 Kid Zone Expansion Joint
90 - Expansion Joint Kids Zone(3).jpg	90. 6/19/19 Kid Zone Expansion Joint 3
91 - Expansion Joint Sec 105(2).jpg	91. 6/19/19 Sec 105 Expansion Joint 2
92 - Expansion Joint Sec 105.jpg	92. 6/19/19 Sec 105 Expansion Joint
93 - Expansion Joint sec 111(2).jpg	93. 6/19/19 Sec 111 Expansion Joint 2
94 - Expansion Joint sec 111(3).jpg	94. 6/19/19 Sec 111 Expansion Joint 3
95 - Expansion Joint sec 111(4).jpg	95. 6/19/19 Sec 111 Expansion Joint 4
96 - Expansion Joint sec 111(5).jpg	96. 6/19/19 Sec 111 Expansion Joint 5
97 - Expansion Joint sec 111(6).jpg	97. 6/19/19 Sec 111 Expansion Joint 6
98 - Expansion Joint sec 111(7).jpg	98. 6/19/19 Sec 111 Expansion Joint 7
99 - Expansion Joint sec 111.jpg	99. 6/19/19 Sec 111 Expansion Joint
100 - Expansion Joint sec 119(2).jpg	100. 6/19/19 Sec 119 Expansion Joint 2
101 - Expansion Joint sec 119(3).jpg	101. 6/19/19 Sec 119 Expansion Joint 3
102 - Expansion Joint sec 119.jpg	102. 6/19/19 Sec 119 Expansion Joint
103 - Expansion Joint Sec 125(2).jpg	103. 6/19/19 Sec 125 Expansion Joint 2
104 - Expansion Joint Sec 125(3).jpg	104. 6/19/19 Sec 125 Expansion Joint 3
105 -Expansion Joint Sec 125(4).jpg	105. 6/19/19 Sec 125 Expansion Joint 4
106 - Expansion Joint Sec 125.jpg	106. 6/19/19 Sec 125 Expansion Joint
107 - Expansion Joint sec 139(2).jpg	107. 6/19/19 Sec 139 Expansion Joint 2
108 - Expansion Joint sec 139.jpg	108. 6/19/19 Sec 139 Expansion Joint
109 - Expansion Joint sec 149(2).jpg	109. 6/19/19 Sec 149 Expansion Joint 2
110 - Expansion Joint sec 149.jpg	110. 6/19/19 Sec 149 Expansion Joint
116 - 6.19 Game Mini Counter3.jpg	116. 6/19/19 Lowered Counter 3
117 - 6.19 Game Mini Counter2.jpg	117. 6/19/19 Lowered Counter 2
118 - 6.19 Game Mini Counter.jpg	118. 6/19/19 Lowered Counter
119 - 6.19 Game HobBox1.jpg	119. 6/19/19 Hopbox No Lowered Counter
120 - 6.19 Game HobBox1(2).jpg	120. 6/19/19 Hopbox No Lowered Counter 2
121 - 6.19 Game HobBox2.jpg	121. 6/19/19 Hopbox Counter Space
122 - .jpg	122. 6/19/19 Hopbox Counter Space 2
123 - 5.13 Game Shortstop Beer.JPG	123. 5/13/19 Shortstop Beer Sales Counter
124 - 5.13 Game Shortstop Beer Front, ADA height in back.JPG	124. 5/13/19 Shortstop Beer Sales Counter 2
129 - 5.18.19 BallPark Tours Webpage SS.png	129. Ballpark Tours Website as of 5/18/19
138 - 6.19 Game Edgar's Porch.jpg	138. 6/19/19 Edgar's Homerun Porch Dining Surfaces
139 - 6.19 Game Pen Patio.jpg	139. 6/19/19 The 'Pen Patio Dining Surfaces
140 - 6.19 Game Pen Patio(2).jpg	140. 6/19/19 The 'Pen Patio Dining Surfaces 2
141 - 6.19 Game Pen Patio(3).jpg	141. 6/19/19 The 'Pen Patio Dining Surfaces 3
142 - 6.19 Game Pen Patio(4).jpg	142. 6/19/19 The 'Pen Patio Dining Surfaces 4
143 - 6.19 Game Pen Patio(5).jpg	143. 6/19/19 The 'Pen Patio Dining Surfaces 5
144 - 6.19 Game Pen Walkway.jpg	144. 6/19/19 The 'Pen Travel Path Surface
145 - 6.19 Game Pen Walkway(2).jpg	145. 6/19/19 The 'Pen Travel Path Surface 2
146 - 6.19 Game Pen Walkway(3).jpg	146. 6/19/19 The 'Pen Travel Path Surface 3
147 - 6.19 Game Edgars' Cantina.jpg	147. 6/19/19 Edgar's Cantina High Tables

Exhibit A

Filename	Exhibit No. & Description
148 - 6.19 Game Edgars' Cantina(2).jpg	148. 6/19/19 Edgar's Cantina High Tables 2
149 - 5.13 Game kings court pano 1.JPG	149. 5/13/19 Edgar's Homerun Porch Dining Surfaces
150 - 5.13 Game kings court pano 2.JPG	150. 5/13/19 Edgar's Homerun Porch Dining Surfaces 2
151 - 5.13 Game patio at pen.JPG	151. 5/13/19 The 'Pen Patio Top View
152 - 5.13 Game visitor pullpen drink rail.JPG	152. 5/13/19 The 'Pen Visitors' Side Drink Rail
153 - 5.13 Game Visitor (right) bullpen.JPG	153. 5/13/19 The 'Pen Visitors' Side Drink Rail 2
154 - 5.13 Game Bullpen drink rail wide.JPG	154. 5/13/19 The 'Pen Drink Rail
155 - 5.13 Game 100 lv drink rail.JPG	155. 5/13/19 The 'Pen Drink Rail 2
156 - 5.13 Game Edgars Cantina Bar Height.JPG	156. 5/13/19 Edgar's Cantina Drink Rail
157 - 5.13 Game Edgars Cantina Wide.JPG	157. 5/13/19 Edgar's Cantina Drink Rail 2
160 - 5.13 Game 300 lv companion seat no drink holder2.JPG	160. 5/13/19 Companion Seat 300 Level
163 - 8.6 Game 102-24-5 as of 4.19.19.png	163. 4/19/19 Game Pricing Screenshot for 8/6/19 Game
164 - 8.6 Game 135-1A-20 as of 4.19.19.png	164. 4/19/19 Game Pricing Screenshot for 8/6/19 Game 2
165 - 4.25 Game 103-39A-7 as of 4.19.19.png	165. 4/19/19 Game Pricing Screenshot for 4/25/19 Game
166 - 4.25 Game 103-23-13 as of 4.19.19.png	166. 4/19/19 Game Pricing Screenshot for 4/25/19 Game 2

EXHIBIT B

Exhibit B

Filename	Exhibit No. & Description
29_8.5.18 Game Diamond WC 1.JPG	29. 8/5/18 Diamond Club Wheelchair Seating 1
30_8.5.18 Game Diamond WC 2.JPG	30. 8/5/18 Diamond Club Wheelchair Seating 2
31_8.5.18 Game Diamond 25 Seat G1 1.JPG	31. 8/5/18 Diamond Club Section 25 Seat G1 View 1
32_8.5.18 Game Diamond 25 Seat G1 2.JPG	32. 8/5/18 Diamond Club Section 25 Seat G1 View 2
33_8.5.18 Game Diamond 25 Seat G1 3.JPG	33. 8/5/18 Diamond Club Section 25 Seat G1 View 3
34_8.5.18 Game25 Diamond Seat G1 4.JPG	34. 8/5/18 Diamond Club Section 25 Seat G1 View 4
35_8.5.18 Game 25 Diamond Seat G1 5.JPG	35. 8/5/18 Diamond Club Section 25 Seat G1 View 5
36_8.5.18 Game 25 Diamond Seat g1 6.JPG	36. 8/5/18 Diamond Club Section 25 Seat G1 View 6
37_8.5.18 Game 25 Diamond Seat G1 7.JPG	37. 8/5/18 Diamond Club Section 25 Seat G1 View 7
38_8.5.18 Game Sec 119&20 WC Seat 1.JPG	38. 8/5/18 Section 119 & 120 Wheel Chair Seat 1
39_8.5.18 Game Sec 119&20 WC Seat 2.JPG	39. 8/5/18 Section 119 & 120 Wheel Chair Seat 2
40_8.5.18 Game Sec 124&5 Bottom Sec Seats.JPG	40. 8/5/18 Section 124 & 125 Bottom Section Seats 1
41_8.5.18 Game Sec 124&5 Bottom Sec Seat 2.JPG	41. 8/5/18 Section 124 & 125 Bottom Section Seats 2
42_8.5.18 Game Sec 124&5 WC Seat 1.JPG	42. 8/5/18 Section 124 & 125 Wheel Chair Seats 1
43_8.5.18 Game Sec 124&5 Mid Sec seat 1.JPG	43. 8/5/18 Section 124 & 125 Mid Section Seats 1
44_8.5.18 Game Sec 124&5 Mid Sec Seat 2.JPG	44. 8/5/18 Section 124 & 125 Mid Section Seats 2
45_8.5.18 Game Sec 125&6 Bottom Sec Seat 1.JPG	45. 8/5/18 Section 125 & 126 Bottom Section Seat 1
46_8.5.18 Game Sec 125&6 Bottom Sec Seat 2.JPG	46. 8/5/18 Section 125 & 126 Bottom Section Seat 2
47_8.5.18 Game Sec 125&6 WC Seat 1.JPG	47. 8/5/18 Section 125 & 126 Wheel Chair Seating 1
48_8.5.18 Game Sec 125&6 WC Seat 2.JPG	48. 8/5/18 Section 125 & 126 Wheel Chair Seating 2
49_8.5.18 Game Sec 125&6 Mid Sec Seat 1.JPG	49. 8/5/18 Section 125 & 126 Mid Section Seat 1
50_8.5.18 Game Sec 125&6 Mid Sec Seat 2.jpeg	50. 8/5/18 Section 125 & 126 Mid Section Seat 2
51_8.5.18 Game Sec 126&7 WC Seat 1.JPG	51. 8/5/18 Section 126 & 127 Wheel Chair Seat 1
52_8.5.18 Game Sec 126&7 WC Seat 2.JPG	52. 8/5/18 Section 126 & 127 Wheel Chair Seat 2
53_8.5.18 Game Sec 126&7 WC Seat 3.JPG	53. 8/5/18 Section 126 & 127 Wheel Chair Seat 3
54_8.5.18 Game Sec 126&7 bottom sec seat 1.JPG	54. 8/5/18 Section 126 & 127 Bottom Section Seats 1
55_8.5.18 Game Sec 126&7 bottom sec seat 2.JPG	55. 8/5/18 Section 126 & 127 Bottom Section Seats 2
56_8.5.18 Game Sec 126&7 Mid Sec seat 1.JPG	56. 8/5/18 Section 126 & 127 Mid Section Seats 1
57_8.5.18 Game Sec 126&7 Mid Sec Seat 2.JPG	57. 8/5/18 Section 126 & 127 Mid Section Seats 2
58 - 8.5.18 Game Sec 127&8 WC Seat 1.JPG	58. 8/5/18 Section 127 & 128 Wheel Chair Seats 1
59 - 8.5.18 Game Sec 127&8 WS Seat 2.JPG	59. 8/5/18 Section 127 & 128 Wheel Chair Seats 2
60 - 8.5.18 Game Sec 132&3 WC Seat 1.JPG	60. 8/5/18 Section 132 & 133 Wheel Chair Seats 1
61 - 8.5.18 Game Sec 132&3 WC Seat 2.JPG	61. 8/5/18 Section 132 & 133 Wheel Chair Seats 2
62 - 8.5.18 Game Sec 132&3 WC Seat 3.JPG	62. 8/5/18 Section 132 & 133 Wheel Chair Seats 3
63 - 8.5.18 Game Sec 132&3 WC Seat 4.JPG	63. 8/5/18 Section 132 & 133 Wheel Chair Seats 4
64 - 8.5.18 Game Sec 138&9 WC Seat 1.JPG	64. 8/5/18 Section 138 & 139 Wheel Chair Seats 1
65 - 8.5.18 Game Sec 138&9 WC Seat 2.JPG	65. 8/5/18 Section 138 & 139 Wheel Chair Seats 2
66 - 8.5.18 Game Mid Sect 138&9 Seating 1.JPG	66. 8/5/18 Section 138 & 139 Mid Section Seating 1
67 - 8.5.18 Game Sect 149&50 WC Seat 1.JPG	67. 8/5/18 Section 149 & 509 Wheel Chair Seating 1
68 - 8.5.18 Game Sec 149&50 WC Seat2.JPG	68. 8/5/18 Section 149 & 150 Wheel Chair Seating2
69 - 8.5.18 Game Sec 149&59 WC Seat3.JPG	69. 8/5/18 Section 149 & 150 Wheel Chair Seating 3
70 - 8.5.18 100 Level View.JPG	70. 8/5/18 100 Level View 1
71 - 8.5.18 100 Level View 2.JPG	71. 8/5/18 100 Level View 2
72 - 8.5.18 100 Level View 3.JPG	72. 8/5/18 100 Level View 3
82 - 8.5.18 Game Sec 180&1 Route behind ADA Seat 1.JPG	82. 8/5/18 Section 180 & 181 Route Behind ADA Seating 1
83 - 8.5.18 Game Sec 180&1 Route behind WC Seat 2.JPG	83. 8/5/18 Section 180 & 181 Route Behind ADA Seating 2
84 - 8.5.18 Game Sec 180&1 Route behind WC Seat 3.JPG	84. 8/5/18 Section 180 & 181 Route Behind ADA Seating 3
85 - 8.5.18 Game Sec 180&1 Route behind WC Seat 4.JPG	85. 8/5/18 Section 180 & 181 Route Behind ADA Seating 4
111 - 8.5.18 Game Concourse gaps 1.JPG	111. 8/5/18 Concourse Gaps 1
112 - 8.5.18 Game Concourse gaps 2.JPG	112. 8/5/18 Concourse Gaps 2
113 - 8.5.18 Game Concourse Gaps 3.JPG	113. 8/5/18 Concourse Gaps 3
114 - 8.5.18 Game Councourse Gaps 4.JPG	114. 8/5/18 Concourse Gaps 4
115 - 8.5.18 Game Councourse Gaps 5.JPG	115. 8/5/18 Concourse Gaps 5
125 - 8.5.18 Game Councourse Concession Counter height.JPG	125. 5/5/18 Concession Stand Counter Height
126 - 8.5.18 Game Concourse food lines 1.JPG	126. 8/5/18 Narrow Concourse Lines
127 - 8.5.18 Game Councourse Lines 2.JPG	127. 8/5/18 Narrow Concourse Lines 2
128 - 8.5.18 Game Concourse Lines 3.JPG	128. 8/5/18 Narrow Concourse Lines 3
158 - 8.5.18 Game The Pen 1.JPG	158. 8/5/18 The 'Pen Wide Shot
159 - 8.5.18 Game The Pen 6.JPG	159. 8/5/18 The 'Pen Dining Surfaces

EXHIBIT C

James Terry

6/14/2019

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CIVIL ACTION NO: 2:18-CV-01512

CLARK LANDIS, ROBERT BARKER, GRADY THOMPSON, AND
KAYLA BROWN,

Plaintiff,

vs.

WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM
PUBLIC FACILITIES DISTRICT AND THE BASEBALL CLUB OF
SEATTLE, LLP,

Defendants.

DEPOSITION

OF

JAMES TERRY

BIRMINGHAM, ALABAMA

JUNE 14, 2019

REPORTED BY: Caila Bonds

Court Reporter

BIRMINGHAM REPORTING SERVICE
(205) 326-4444

James Terry

6/14/2019

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A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. CONRAD REYNOLDSON

Washington Civil & Disability Advocate

4115 Roosevelt Way NE

Suite B

Seattle, Washington 98105

FOR THE DEFENDANT:

MR. STEVE WILLEY

Savitt, Bruce & Willey, LLP

Joshua Green Building

1425 Fourth Avenue

Suite 800

Seattle, Washington 98101

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1 Q. It is a factual question.

2 A. It is, but I would have to have access to
3 Lexus Nexus or some other legal resource in order to
4 be able to look at it, and then I would have to be
5 able to study the facts of the case and render a
6 legal opinion and I can't do that.

7 Q. But you just don't know, though -- in
8 your words, for example, you don't know if there was
9 any other case on that issue at that time in the
10 Ninth Circuit?

11 A. I do not know of anything else that would
12 contradict that.

13 Q. Okay. So if for today's deposition we
14 assume that you are correct and that there is a
15 non compliance with respect to the sightlines over
16 standing spectators, what is the remedy?

17 A. You know, I didn't have enough time to
18 study remedies while I was there. There are -- I
19 teach seminars on different ways to remedy sightline
20 over standing spectators in existing facilities or
21 facilities that are already built under the 2010
22 definition of existing, and there are lots and lots
23 of solutions that I have seen for this kind of

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1 problem. I haven't studied them specifically at the
2 Mariners stadium, but I have seen them in other
3 large stadiums, and it is my opinion that there are
4 probably solutions there that will work to fix them.
5 I just haven't studied them enough to go on record,
6 you know, to a Court that tells you, oh, this will
7 work, because I haven't studied enough to do that. I
8 like to be very careful with what I claim about
9 something.

10 Q. I appreciate that. Is it fair to say then
11 that you do not have an opinion as to what would be
12 a remedy for T Mobile Park if you are correct?

13 A. I have an opinion that there are options
14 that would have a very high likelihood of working,
15 but I can't tell you which ones of those would work,
16 and specifically any of the specific locations that
17 are there.

18 Q. Right. So you have a conceptual idea
19 about what remedies might be, but you have no
20 opinion as to the remedy here?

21 A. Well, it wouldn't be remedy, there would
22 be lots of different remedies depending on which
23 section of the pit you are trying to correct.

James Terry

6/14/2019

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1 Q. Fair enough. You don't have an opinion as
2 to the specific remedies here?

3 MR. REYNOLDSON: Object to the form.

4 A. I have opinions about specific remedies,
5 I have not compared those specific opinions and
6 those specific solution types to this facility on a
7 dimensional basis to know which ones of them will
8 work in which locations, and which ones won't,
9 because some of them you just have to compare them
10 to the specific conditions. And there may be
11 something that is not one of my typical ones that
12 would work even better than the -- in that location.
13 And I just haven't had a chance to study that.

14 Q. I understand. And all I am trying to
15 make clear is that you have ideas, certainly things
16 that might work, different ideas, but you do not
17 have an opinion about any specific remedy here in
18 this ballpark today?

19 A. I do not have specific design solutions
20 to solve the problems in this ballpark. I have
21 generic solution that I would have to analyze in
22 relation to the specifics of each section that
23 needed to be fixed.

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1 hey, I am not saying that I know what would have
2 been entitled a safe harbor. I can look at some
3 things and say, yeah, I don't think this is because
4 there is no evidence that it was ever compliant. But
5 there is some areas where I can't tell that. So I
6 tried to make it clear that I am open to the safe
7 harbor information, if that information is
8 available, but otherwise, it is analyzed based on
9 2010.

10 Q. So just so I am clear, you are leaving
11 the door open for a 1991 safe harbor basis, but you
12 are saying your analysis here is based upon 2010?

13 A. That is correct.

14 Q. Okay. And what do you think should be
15 done with respect to the vertical distribution of
16 dispersal?

17 A. Wheelchair spaces should be provided
18 where they are required.

19 Q. Where are they required here, do you have
20 a proposed remedy?

21 A. I don't. Wasn't given enough time to look
22 for proposed remedies.

23 Q. You don't have an opinion as to proposed

James Terry

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1 remedy, right?

2 A. I am sorry, I don't have what?

3 Q. An opinion as to any proposed remedy?

4 A. I have opinions.

5 Q. Have you done a feasibility study?

6 A. I have not.

7 Q. Okay. Do you know anything about the
8 engineering of the stadium with respect to vomitory
9 locations?

10 A. Engineering of the locations?

11 Q. Do you know where the vomitories are?

12 A. I can see those in the photographs, I can
13 see them in the drawings that I have been given.

14 Q. Do you know where the vomitories are, if
15 any, in the 100 level?

16 A. Yes. We have that information.

17 Q. Where are they?

18 A. They come out in the -- into the area
19 behind the home plate.

20 Q. And do you know if those accessible --
21 those vomitory pathways are accessible?

22 A. I do not.

23 Q. Have you ever testified in a case

James Terry

6/14/2019

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1 develop detailed opinions on how the other dispersal
2 things can be handled, just because of lack of time
3 available in the field.

4 Q. Let's be specific, okay?

5 A. All right.

6 Q. Let's look at Exhibit 4.

7 A. Okay.

8 Q. Where do you believe there should be more
9 accessible seating put in?

10 A. Closer to the field, between the foul
11 poles on the --

12 Q. Where?

13 A. Where?

14 Q. Yes. I mean, you've got a map in front
15 of you, I am trying to figure out what you are
16 recommending.

17 A. Additional seats between the dug-outs.
18 We know that there is an accessible route that leads
19 to that. Additional seats in that area, wheelchair
20 seats, would improve vertical access for the ten
21 thousand plus people that are between the foul poles
22 on the 41st row.

23 Q. Other than taking out seats in sections

James Terry

6/14/2019

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1 thirty-five, thirty-three, whatever they are, and
2 adding in more accessible seats, do you have any
3 other recommendations with respect to level 100?

4 A. I have not had a chance to study it and I
5 do not have specific opinions or solutions until I
6 have a chance to study it.

7 Q. Okay. Do you have any recommendation with
8 respect to level 200?

9 A. In terms of vertical dispersal in 200, I
10 am not as concerned about vertical dispersal in 200
11 because they are such shorter sections.

12 Q. Okay. So 200 you believe is okay?

13 A. Let me -- hang on just a second.

14 Q. Yes.

15 A. Yeah, I don't have a problem with the 200
16 section just because it is so short.

17 Q. Okay. How about 300?

18 A. 300 meets the standards for vertical
19 dispersal. For vertical dispersal only. I mean,
20 they fail other parts of the standard, but vertical
21 dispersal, they are close enough at this point where
22 I wouldn't spend a lot of effort working on them.

23 Q. Got it. And just so I am clear here, the

James Terry

6/14/2019

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1 think that concludes the deposition for today. I
2 thank you for your time and willingness to do
3 this by video on a Friday. Much appreciate your
4 input.

5 THE WITNESS: Okay.

6

7 (The deposition concluded at
8 6:45 p.m.)

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19 C E R T I F I C A T E

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STATE OF ALABAMA)

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COUNTY OF JEFFERSON)

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James Terry**6/14/2019**

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1 foregoing deposition was taken down by me in
2 stenotype and the questions and answers thereto
3 were reduced to typewriting under my
4 supervision; that the foregoing represents a
5 true and correct transcript of the deposition
6 given by said witness upon hearing.

7 I further certify that I am neither of
8 counsel nor of kin to the parties to the action,
9 nor am I in anywise interested in the result of
10 said cause.

11 -----

12 /s/Caila M. Bonds

13 Caila M. Bonds, CCR

14 CCR # 250, Expires 09/30/2019

15 Commissioner for the State of

16 Alabama at Large

17 My Commission Expires: 3/29/2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on September 10, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 10th day of September, 2019 at Seattle, Washington.



Rondi A. Greer